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BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF  
G. S. INVESTMENT CO., INC.,  
Appellant,  
v.  
PUGET SOUND AIR POLLUTION  
CONTROL AGENCY,  
Respondent.

PCHB No. 77-34

FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

This matter, an appeal from the issuance of a \$250 civil penalty for the alleged violation of Section 9.03 of respondent's Regulation I, came before the Pollution Control Hearings Board, Dave J. Mooney and Chris Smith, at a formal hearing on June 17, 1977 in Seattle. David Akana presided.

Appellant appeared through its operations manager, J. K. Simpson; respondent appeared through its attorney, Keith D. McGoffin.

Having heard the testimony, having examined the exhibits, and being fully advised, the Pollution Control Hearings Board makes these



1 of the violation, appellant's representative was informed of the violation.  
2 Respondent's inspector testified that he informed appellant's representative  
3 of the avoidance provisions of Section 9.16 of the Regulation, which  
4 conversation appellant's representative could not recall.

5 V

6 Any Finding of Fact which is deemed to be a Conclusion of Law is  
7 hereby adopted as such.

8 From these Findings, the Pollution Control Hearings Board comes  
9 to these

10 CONCLUSIONS OF LAW

11 I

12 The board has jurisdiction over the persons and over the subject  
13 matter of this proceeding.

14 II

15 Appellant violated Section 9.03(b)(1) of Regulation I on March 3,  
16 1977 by causing or allowing the emission of an air contaminant for more than  
17 three minutes in one hour which was darker in shade than No. 1 on the  
18 Ringelmann Chart. Although respondent provides a method for avoidance of  
19 violations, (Section 9.16) there is uncertainty as to whether such  
20 provision was communicated to or understood by appellant. And while  
21 respondent is expected to make efforts to adequately inform the public  
22 of its regulation, ignorance of such regulation is not sufficient cause  
23 to strike a violation. We feel that a penalty is proper, but under the  
24 facts and circumstances of this matter, the amount of the penalty is  
25 excessive and should be reduced to \$100.

26 III

27 Any Conclusion of Law which should be deemed a Finding of Fact is

FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

1. Here adopted as such

From these conclusions the Pollution Control Board has also

3. This

ORDER

The \$250 civil penalty is reduced to \$100

and this day of June, 1967

TO POLLUTION CONTROL BOARD

James H. Smith  
DAVE J. MOORE, Member

Chris Smith  
CHRIS SMITH, Member

CONTROL BOARD OF

TO POLLUTION CONTROL BOARD